

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOE BABY BURNELL,) No. C 06-4315 JSW (PR)
Petitioner,)
vs.)
R. KIRKLAND, WARDEN,) **ORDER DISMISSING STATE
HABEAS PETITION AS
IMPROPERLY FILED IN THIS
COURT**
Respondent.)

Petitioner, a state prisoner incarcerated at Pelican Bay State Prison in Crescent City, California, filed a *pro se* petition for a writ of habeas corpus in this Court on January 14, 2006. However, the header on the petition identifies the court which Petitioner intended to file it in as the California Supreme Court. Petitioner has attached an order from the Orange County Superior Court dated June 21, 2006 in which Petitioner appears to have raised the same claims. Moreover, this Court has checked the docket of the California Appellate Courts¹ and no habeas petitions from Petitioner have been filed in the California Court of Appeal or the California Supreme Court subsequent to June 21, 2006. As such, it is apparent that Petitioner mistakenly filed his petition which was intended for the California state courts in federal court. Accordingly, this

¹See, www.appellatecases.courtinfo.ca.gov.

1 petition is DISMISSED without prejudice.

2 IT IS SO ORDERED.

3 DATED: July 31, 2006

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5 JEFFREY S. WHITE
United States District Judge

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